

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES C. OSBORNE,

Plaintiff,

V.

STEVEN JEWITT, et al.,

## Defendants

No. CV10-5431RBL/JRC

## ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation [Dkt. #37], and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Defendant's Motion to Dismiss is GRANTED. Defendant Vail is DISMISSED WITH PREJUDICE for lack of personal participation.
- (3) The entire action is DISMISSED WITHOUT PREJUDICE for the failure to exhaust administrative remedies

The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J. Richard  
Creature

DATED this 7<sup>th</sup> day of January, 2011.

Ronald B. Lightner

RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE